

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

Audible Magic Corp.,

*Defendant.*

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Case No. 6:15-cv-584

JURY TRIAL DEMANDED

**Declaration of Randall Garteiser in Support of  
Plaintiff Blue Spike, LLC's Opposition to Audible Magic's  
Motion to Strike Blue Spike, LLC's Supplemental Sur-reply**

I, Randall Garteiser, declare as follows:

1. I am a partner in the law firm Garteiser Honea, PLLC. We represent Blue Spike, LLC ("Blue Spike") in this lawsuit. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements. I make this declaration in support of Blue Spike's Opposition to Audible Magic's Motion to Strike Blue Spike's Supplemental Sur-reply.

2. I was involved in the preparation of Scott Moskowitz' declaration attached to Blue Spike's Supplemental Sur-reply in Opposition to Audible Magic's Motion for Summary Judgment of Noninfringement.

3. Scott Moskowitz and Blue Spike's counsel worked together to create the declaration. Blue Spike's counsel provided the deposition excerpts. As the final version was being prepared, Mr. Moskowitz provided final changes and input remotely while investigating properties in the local Tyler area.

4. Mr. Moskowitz reviewed the final version of his declaration that

incorporated his latest input and approved the use of his electronic signature. He was not able to provide a holographic signature before I filed the documents. I therefore attached the signature attestation to disclose this fact.

I declare, on September 4, 2015, in Smith County, Texas and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Randall Garteiser  
Randall Garteiser